

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 28**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Jobs, Economic Development and Local Government, May 15, 2013, with recommendation that the Senate Committee Substitute do pass.

0111S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 49.266, RSMo, and to enact in lieu thereof one new section relating to natural disaster ordinances, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 49.266, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 49.266, to read as follows:

49.266. 1. The county commission in all counties of the first, second or  
2 fourth classification may by order or ordinance promulgate reasonable regulations  
3 concerning the use of county property, the hours, conditions, methods and manner  
4 of such use and the regulation of pedestrian and vehicular traffic and parking  
5 thereon.

6 2. Violation of any regulation so adopted **under subsection 1 of this**  
7 **section** is an infraction.

8 3. **Upon a determination by the state fire marshal that a burn**  
9 **ban order is appropriate for a county because:**

10 (1) **An actual or impending occurrence of a natural disaster of**  
11 **major proportions within the county jeopardizes the safety and welfare**  
12 **of the inhabitants of such county; and**

13 (2) **The U.S. Drought Monitor has designated the county as an**  
14 **area of severe, extreme, or exceptional drought,**  
15 **the county commission may adopt an order or ordinance issuing a burn**  
16 **ban, which may carry a penalty of up to a class A misdemeanor. State**  
17 **agencies responsible for fire management or suppression activities and**  
18 **persons conducting agricultural burning using best management**  
19 **practices shall not be subject to the provisions of this subsection. The**

20 ability of an individual, organization, or corporation to sell fireworks  
21 shall not be affected by the issuance of a burn ban. The county burn  
22 ban may prohibit the explosion or ignition of any missile or skyrocket  
23 as the terms "missile" and "skyrocket" are defined by the 2012 edition  
24 of the American Fireworks Standards Laboratory, but shall not ban the  
25 explosion or ignition of any other consumer fireworks as the term  
26 "consumer fireworks" is defined under section 320.106.

27 4. The regulations so adopted shall be codified, printed and made  
28 available for public use and adequate signs concerning smoking, traffic and  
29 parking regulations shall be posted.

Unofficial ✓

Bill

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